

RESOLUTION GRANTING SUBDIVISION RE-APPROVAL

Ed Biagini Minor Subdivision
PB # 08-04

WHEREAS, an application was made to the Planning Board of the Town of New Windsor for re-approval of a subdivision by Ed Biagini (the "applicant") for a project described as the "Ed Biagini Minor Subdivision"; and

WHEREAS, the subject site consists of +/- 2.68 acres of land and comprised of one tax map parcel in the Town of New Windsor identified on the tax map as section 74, block 1, and lot 4 (SBL 74-1-4); and

WHEREAS, the action involves a request for subdivision re-approval as the prior conditional final subdivision approval lapsed without the applicant satisfying the conditions and without the plat being signed and filed with the County Clerk; and

WHEREAS, the plan was previously reviewed at the February 27, 2008, January 28, 2009, June 24, 2009, and July 15, 2009 Planning Board meetings, having received conditional approval at the July 15, 2009 meeting; and

WHEREAS, the conditional final approval has expired; and

WHEREAS, the applicant has submitted a fully executed short form Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Planning Board conducted an uncoordinated SEQRA review for this project; and

WHEREAS, during the course of the Planning Board's review of the Applicant's proposed subdivision plat, the Planning Board received and considered correspondence from the public as well as the Town's consultants; and

WHEREAS, a duly advertised public hearing on the application for subdivision approval was previously held on July 15, 2009 at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, on July 15, 2009 the public hearing on the application for subdivision approval was closed; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public, the Board's consultants, and other interested agencies, organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

WHEREAS, the applicant has submitted a proposed subdivision plat consisting of four sheets, prepared by Zimmerman Engineering & Surveying, P.C. dated November 28, 2007 and last revised on January 9, 2009; and

WHEREAS, the applicant is seeking final subdivision re-approval for the subdivision plat, which would create three new lots from one existing lot, but will not result in any additional disturbances beyond that previously reviewed for this application;

WHEREAS, the Planning Board has heretofore determined that the Proposed Action minimizes or avoids significant environmental impacts and, adopted a Negative Declaration as part of the original approval of the subdivision; and

WHEREAS, there have been no change in physical, legal or permitting requirements since the conditional final subdivision approval was granted in July 2009; and

NOW, THEREFORE, the Planning Board (1) reaffirms and re-adopts its prior negative declaration in connection with this application, and (2) finds that the applicant has satisfied the requirements of Town Code § 276(7)(c) and re-approves the subdivision subject to the following terms and conditions:

1. The applicant shall pay all outstanding fees due the Town in connection with this application;
2. The applicant shall make any required revisions to the subdivision plat to the satisfaction of the Planning Board Engineer and Planning Board Attorney;
3. The applicant shall secure all necessary permits, approvals and authorizations required from any other agency, if required;
4. The applicant shall comply with any additional terms or comments contained as part of the Planning Board's original approval; and

5. The applicant shall submit proof of satisfaction of the foregoing conditions and submit a plat for signature within 360 days of the date of this resolution. The Planning Board hereby grants the two (2) ninety (90) day extensions as authorized by Town Law § 276(7)(c). This approval will expire on July 10, 2010, and no further extensions can be granted.

Upon motion made by Member me. Vanleeuwen, seconded by Member me. Schlesinger, the foregoing resolution was adopted as follows:

Member, Daniel Gallagher	<u>Aye</u>	Nay	Abstain	Absent
Member, Howard Brown	<u>Aye</u>	Nay	Abstain	Absent
Member, Neil Schlesinger	<u>Aye</u>	Nay	Abstain	Absent
Member, Henry Vanleeuwen	<u>Aye</u>	Nay	Abstain	Absent
Chairman, Genaro Argenio	<u>Aye</u>	Nay	Abstain	Absent

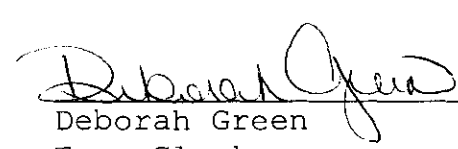
Alternate, Henry Schieble Aye Nay Abstain Absent

Dated: July 28, 2010
 New Windsor, New York



Genaro Argenio, Chairman

Filed in the Office of the Town Clerk on this 29th day of July, 2010.



Deborah Green
Town Clerk